

APPEAL, MAG

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10065-MLW-ALL**

Case title: USA v. Earle

Date Filed: 03/10/2004

Assigned to: Chief Judge Mark L.
Wolf

Defendant

Clarence L. Earle (1)
TERMINATED: 02/27/2006
also known as
Eric Allen (1)
TERMINATED: 02/27/2006
also known as
Theodore Wilson (1)
TERMINATED: 02/27/2006
also known as
Lemont Tippet (1)
TERMINATED: 02/27/2006
also known as
Robert Preval (1)
TERMINATED: 02/27/2006

represented by **Charles W. Rankin**
Rankin & Sultan
151 Merrimac Street
Second Floor
Boston, MA 02114-4717
617-720-0011
Fax: 617-742-0701
Email: crankin@rankin-
sultan.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Leo T. Sorokin
Federal Defender's Office
408 Atlantic Avenue
Third Floor
Boston, MA 02210
617-223-8061
Fax: 617-223-8080
TERMINATED: 11/01/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender
Appointment

Owen S. Walker
Federal Defenders Office

408 Atlantic Ave.
 Third Floor
 Boston, MA 02110
 617-223-8061
 Fax: 617-223-8080
TERMINATED: 08/03/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender
Appointment

Paul Markham
 PO Box 1101
 Melrose, MA 02176
 781-665-1800
 Fax: 781-665-4448
 Email:
 PaulMarkham@comcast.net
TERMINATED: 04/08/2005
LEAD ATTORNEY
Designation: CJA Appointment

Pending Counts

8:1326.F ILLEGAL REENTRY
 OF ALIENS
 (1s)

Highest Offense Level
(Opening)

Felony

Terminated Counts

8:1326 Unlawful Reentry of
 Removed Alien
 (1)
 18:1001 FALSE STATEMENTS
 TO GOVERNMENT AGENTS
 OR AGENCIES
 (2s)

Disposition

78 months custody followed by 36
 months supervised release and
 \$100.00 special assessment fee.

Disposition

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition**Plaintiff**

USA

represented by **Seth P. Berman**United States Attorney's Office
Suite 9200

1 Courthouse Way

Boston, MA 02210

617-748-3385

Fax: 617-748-3951

Email: Seth.Berman@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 03/10/2004 | <u>1</u> | INDICTMENT as to Clarence L. Earle (1) count(s) 1. (Gawlik, Cathy) (Entered: 03/10/2004) |
| 03/10/2004 | | Arrest Warrant Issued as to Clarence L. Earle. (Gawlik, Cathy) (Entered: 03/10/2004) |
| 03/10/2004 | | Judge Mark L. Wolf : ORDER entered ORDER REFERRING CASE to Magistrate Judge Judith G. Dein Reason for referral: pretrial proceedings as to Clarence L. Earle (Gawlik, Cathy) (Entered: 03/10/2004) |
| 03/12/2004 | | Attorney update in case as to Clarence L. Earle. Attorney Owen S. Walker for Clarence L. Earle added. (Quinn, Thomas) (Entered: 03/15/2004) |
| 03/12/2004 | | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Initial Appearance as to Clarence L. Earle held on 3/12/2004: AUSA Pelligrini and Federal Defender Walker for the Dft.; Dft. files financial affidvit and request counsel; USMJ Dein appoints Federal Defender; Govt. moves for |

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| | | detention and continuance; USMJ Dein order Dft. to tempoary detention pending hearing on 3/17/04 11:15 AM. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 03/15/2004) |
| 03/12/2004 | <u>2</u> | CJA 23 Financial Affidavit by Clarence L. Earle (Quinn, Thomas) (Entered: 03/17/2004) |
| 03/12/2004 | <u>3</u> | Judge Judith G. Dein : ORDER entered ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Clarence L. Earle (Quinn, Thomas) (Entered: 03/17/2004) |
| 03/15/2004 | <u>8</u> | Arrest Warrant Returned Executed on 3/12/04. as to Clarence L. Earle, FILED. (Boyce, Kathy) (Entered: 03/25/2004) |
| 03/17/2004 | <u>4</u> | Judge Judith G. Dein : ORDER entered INITIAL SCHEDULING ORDER as to Clarence L. Earle. Status Conference set for 4/26/2004 02:15 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 03/18/2004) |
| 03/17/2004 | <u>5</u> | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle. Time excluded from 3/17/04 until 4/14/04. (Dambrosio, Jolyne) (Entered: 03/18/2004) |
| 03/17/2004 | <u>6</u> | Judge Judith G. Dein : ORDER entered MEMORANDUM AND ORDER OF DETENTION as to Clarence L. Earle. (Dambrosio, Jolyne) (Entered: 03/18/2004) |
| 03/17/2004 | <u>7</u> | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Arraignment as to Clarence L. Earle (1) Count 1 held on 3/17/2004, Detention Hearing as to Clarence L. Earle held on 3/17/2004; AUSA Seth Berman and Federal Defender Walker for the Dft.; Dft pleads Not Guilty and will proceed with automatic discovery; 1st status conference is set for 4/26/04 @ 2:15pm. Detention Hearing held the Govt. calls witness #1 (Sansone) direct exam; cross exam; closing arguments; USMJ Dein orders Dft. detained pending pending trial. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 03/18/2004) |
| 03/24/2004 | <u>7</u> | CJA 23 Financial Affidavit by Clarence L. Earle, FILED. (Boyce, Kathy) (Entered: 03/24/2004) |
| 04/26/2004 | <u>9</u> | Joint MOTION for Excludable Delay from April 26, 2004 to May 26, 2004 <i>and for a Continuance</i> as to Clarence L. Earle by USA, Clarence L. Earle. (Berman, Seth) (Entered: 04/26/2004) |

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| | | 04/26/2004) |
| 04/26/2004 | ● | Judge Judith G. Dein : Electronic ORDER entered granting 9 Motion to Exclude as to Clarence L. Earle (1) (Quinn, Thomas) (Entered: 04/26/2004) |
| 04/26/2004 | ●10 | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle Time excluded from 4/26/04 until 5/26/04. (Quinn, Thomas) (Entered: 04/26/2004) |
| 05/26/2004 | ●11 | Judge Judith G. Dein : ORDER entered INITIAL STATUS REPORT as to Clarence L. Earle. Status Conference set for 7/20/2004 10:15 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 05/26/2004) |
| 05/26/2004 | ●12 | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle. Time excluded from 5/26/04 until 7/20/04. (Dambrosio, Jolyne) (Entered: 05/26/2004) |
| 05/26/2004 | ● | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Clarence L. Earle held on 5/26/2004; AUSA Berman and Attorney Walker report case status and seek further conference on July 20,2004 @ 10:15am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 05/27/2004) |
| 05/26/2004 | ● | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Detention Hearing and Preliminary Examination as to Clarence L. Earle continued from 5/26/2004 to 5/28/04 @ 12:00pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 05/27/2004) |
| 06/09/2004 | ●13 | Consent MOTION for Detention <i>without prejudice and defendant's request that the case be sent, without holding a status conference, to the district court for trial</i> as to Clarence L. Earle. (Walker, Owen) (Entered: 06/09/2004) |
| 06/24/2004 | ●18 | MOTION Ex Parte as to Clarence L. Earle FILED. received for docketing on 8/4/04 (Boyce, Kathy). (Entered: 08/05/2004) |
| 07/20/2004 | ● | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Clarence L. Earle held on 7/20/2004; AUSA Berman and Attorney McGinty (standing in for Attorney Walker) report status seek further conference for 8/3/04 @ 11:00am. (Court Reporter D.R..) (Quinn, |

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| | | Thomas) (Entered: 07/20/2004) |
| 07/20/2004 | 14 | Judge Judith G. Dein : ORDER entered STATUS REPORT as to Clarence L. Earle Status Conference set for 8/3/2004 11:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 07/20/2004) |
| 07/20/2004 | 15 | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle Time excluded from 7/20/04 until 8/3/04. (Quinn, Thomas) (Entered: 07/20/2004) |
| 07/20/2004 | | Judge Judith G. Dein : Electronic ORDER entered withdrawing 13 Motion for Detention as to Clarence L. Earle (1) (Quinn, Thomas) (Entered: 08/04/2004) |
| 08/03/2004 | | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Clarence L. Earle held on 8/3/2004; AUSA Berman and Attorney Sorokin report current case status; Attorney Sorokin will take case over from Attorney Walker; Next status conference is set for 9/28/04 @ 10:30am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 08/03/2004) |
| 08/03/2004 | | Attorney update in case as to Clarence L. Earle. Attorney Leo T. Sorokin for Clarence L. Earle added. Attorney Owen S. Walker terminated. (Quinn, Thomas) (Entered: 08/03/2004) |
| 08/03/2004 | 16 | Judge Judith G. Dein : ORDER entered STATUS REPORT as to Clarence L. Earle Status Conference set for 9/28/2004 10:30 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 08/04/2004) |
| 08/03/2004 | 17 | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle Time excluded from 8/3/04 until 9/28/04. (Quinn, Thomas) (Entered: 08/04/2004) |
| 08/03/2004 | | Magistrate Judge Judith Dein: Electronic ORDER entered granting 18 Motion as to Clarence L. Earle (1) (Boyce, Kathy) Modified on 8/5/2004 to correct judge association to order (Boyce, Kathy). (Entered: 08/05/2004) |
| 09/28/2004 | 19 | Judge Judith G. Dein : ORDER entered STATUS REPORT as to Clarence L. Earle. Status Conference set for 10/26/2004 10:45 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 09/28/2004) |

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| 09/28/2004 | 20 | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle. Time excluded from 9/28/04 until 10/26/04. (Dambrosio, Jolyne) (Entered: 09/28/2004) |
| 09/28/2004 | | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Clarence L. Earle held on 9/28/2004; AUSA Connolly (standing in for AUSA Berman) and Attorney Kelley (standing in for Attorney Sorokin) report case status and request further conference on 10/26/04 @ 10:45am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/28/2004) |
| 10/06/2004 | 21 | Assented To MOTION to Order the Probation Office to prepare a pre-plea PSR, as to Clarence L. Earle FILED, c/s. (Boyce, Kathy) (Entered: 10/14/2004) |
| 10/14/2004 | | Notice of correction to docket made by Court staff. Correction: #21 deleted as it was submitted mistakenly as a sentencing memorandum: reentered to change the event type to Motion. (Boyce, Kathy) (Entered: 10/14/2004) |
| 10/22/2004 | | Judge Mark L. Wolf : Electronic ORDER entered denying 21 Motion for Order as to Clarence L. Earle (1) without prejudice to possible reconsideration at the initial conference. (O'Leary, Dennis) (Entered: 10/25/2004) |
| 10/26/2004 | | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Clarence L. Earle held on 10/26/2004; AUSA Berman and Attorney Sorokin report current case status and request further conference for 12/6/04 @ 2:45pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 10/26/2004) |
| 10/26/2004 | 22 | Judge Judith G. Dein : ORDER entered INTERIM STATUS REPORT as to Clarence L. Earle. Status Conference set for 12/6/2004 02:45 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 10/26/2004) |
| 10/26/2004 | 23 | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle. Time excluded from 10/26/04 until 12/7/04. (Dambrosio, Jolyne) (Entered: 10/26/2004) |
| 10/26/2004 | 25 | JOINT STATUS REPORT Concerning Local Rule 116.5(C), by USA, Clarence L. Earle as to Clarence L. Earle, FILED, c/s. |

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| | | (Boyce, Kathy) (Entered: 11/05/2004) |
| 10/28/2004 | <u>24</u> | MOTION to Withdraw as Attorney by Leo T. Sorokin. as to Clarence L. Earle. (Sorokin, Leo) (Entered: 10/28/2004) |
| 11/01/2004 | | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Motion Hearing as to Clarence L. Earle held on 11/1/2004 re <u>24</u> MOTION to Withdraw as Attorney by Leo T. Sorokin. filed by Clarence L. Earle; AUSA Berman is excused from appearing; USMJ Dein hears from Attorney Sorokin and defendant Earle. USMJ Dein allows motion to withdraw. (Court Reporter D.R.) (Quinn, Thomas) (Entered: 11/01/2004) |
| 11/01/2004 | | Judge Judith G. Dein : Electronic ORDER entered granting <u>24</u> Motion to Withdraw as Attorney. as to Clarence L. Earle (1) (Quinn, Thomas) (Entered: 11/01/2004) |
| 11/01/2004 | | Attorney update in case as to Clarence L. Earle. Attorney Paul Markham for Clarence L. Earle added. Attorney Leo T. Sorokin terminated. (Quinn, Thomas) (Entered: 12/06/2004) |
| 12/06/2004 | | Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Clarence L. Earle held on 12/6/2004; AUSA Berman and Attorney Markham report current case status; Next status conference is set for 12/23/04 @ 10:45am. (Court Reporter D.R.) (Quinn, Thomas) (Entered: 12/06/2004) |
| 12/07/2004 | <u>26</u> | Judge Judith G. Dein : ORDER entered STATUS REPORT as to Clarence L. Earle Status Conference set for 12/23/2004 10:45 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 12/07/2004) |
| 12/07/2004 | <u>27</u> | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle Time excluded from 12/6/04 until 12/23/04. (Quinn, Thomas) (Entered: 12/07/2004) |
| 12/08/2004 | <u>28</u> | NOTICE OF ATTORNEY APPEARANCE, FILED, c/s. Paul Markham appearing for Clarence L. Earle (Boyce, Kathy) (Entered: 12/10/2004) |
| 12/20/2004 | <u>29</u> | Memorandum regarding Status as to Clarence L. Earle (Berman, Seth) (Entered: 12/20/2004) |
| 12/23/2004 | | Electronic Clerk's Notes for proceedings held before Judge |

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| | | Judith G. Dein :Status Conference as to Clarence L. Earle held on 12/23/2004; AUSA Berman and Attorney Markham report case status; USMJ Dein will issue report and return file to district court judge. (Court Reporter D.R.) (Quinn, Thomas) (Entered: 12/28/2004) |
| 12/23/2004 | <u>30</u> | Judge Judith G. Dein : ORDER entered FINAL STATUS REPORT as to Clarence L. Earle (Quinn, Thomas) (Entered: 12/28/2004) |
| 12/23/2004 | <u>31</u> | Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Clarence L. Earle Time excluded from 12/23/04 until 2/8/05. (Quinn, Thomas) (Entered: 12/28/2004) |
| 03/10/2005 | <u>32</u> | NOTICE OF HEARING as to Clarence L. Earle Status Conference set for 3/21/2005 12:30 PM in Courtroom 10 before Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 03/10/2005) |
| 03/15/2005 | <u>33</u> | TRIAL BRIEF by USA as to Clarence L. Earle (Berman, Seth) (Entered: 03/15/2005) |
| 03/15/2005 | <u>34</u> | Proposed Voir Dire by USA as to Clarence L. Earle (Berman, Seth) (Entered: 03/15/2005) |
| 03/15/2005 | <u>35</u> | Proposed Jury Instructions by USA as to Clarence L. Earle (Berman, Seth) (Entered: 03/15/2005) |
| 03/15/2005 | <u>36</u> | EXHIBIT/WITNESS LIST by USA as to Clarence L. Earle (Berman, Seth) (Entered: 03/15/2005) |
| 03/15/2005 | <u>37</u> | EXHIBIT/WITNESS LIST by USA as to Clarence L. Earle (Berman, Seth) (Entered: 03/15/2005) |
| 03/21/2005 | <u>38</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Pretrial Conference as to Clarence L. Earle held on 3/21/2005 (Court Reporter Twomey.) (O'Leary, Dennis) (Entered: 03/22/2005) |
| 03/21/2005 | <u>39</u> | Judge Mark L. Wolf : ORDER entered. PRETRIAL ORDER as to Clarence L. Earle Jury Trial set for 4/4/2005 09:00 PM in Courtroom 10 before Judge Mark L. Wolf. Pretrial Conference set for 3/30/2005 04:00 PM in Courtroom 10 before Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 03/22/2005) |
| 03/24/2005 | <u>40</u> | SUPERSCEDING INDICTMENT as to Clarence L. Earle (1) count(s) 1s, 2s. (Smith3, Dianne) Modified on 3/25/2005 |

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| | | (Catino, Theresa). (Entered: 03/25/2005) |
| 03/24/2005 | <u>41</u> | Judge Mark L. Wolf : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Judith G. Dein Reason for referral: PRETRIAL as to Clarence L. Earle (Smith3, Dianne) Modified on 3/25/2005 (Smith3, Dianne). (Entered: 03/25/2005) |
| 03/25/2005 | | Notice of correction to docket made by Court staff. Correction: the name of the judge corrected because: it was the incorrect judge as to Clarence L. Earle (Smith3, Dianne) (Entered: 03/25/2005) |
| 03/28/2005 | <u>42</u> | Proposed Jury Instructions by USA as to Clarence L. Earle (Berman, Seth) (Entered: 03/28/2005) |
| 03/28/2005 | <u>43</u> | MOTION to Withdraw as Attorney by Paul F. Markham. as to Clarence L. Earle, FILED. (Boyce, Kathy) (Entered: 03/29/2005) |
| 03/30/2005 | <u>44</u> | Judge Mark L. Wolf : ORDER entered. 1. The March 30, 2005 hearing is CANCELLED.2. Status report shall be filed by April 5, 2005. A hearing to address all pending matters shall be held on April 8, 2005, at 10:00 a.m. If, by agreement or by order of the court, Mr. Markham continues to represent Earle, the trial previously scheduled to begin on April 4, 2005, shall commence on April 18, 2005.(O'Leary, Dennis) (Entered: 03/30/2005) |
| 04/05/2005 | <u>46</u> | STATUS REPORT by USA as to Clarence L. Earle (Berman, Seth) Additional attachment(s) added on 4/6/2005 (O'Leary, Dennis). (Entered: 04/05/2005) |
| 04/08/2005 | <u>47</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Motion Hearing as to Clarence L. Earle held on 4/8/2005 re <u>43</u> MOTION to Withdraw as Attorney by Paul F. Markham. filed by Clarence L. Earle, (Court Reporter Twomey.) (O'Leary, Dennis) (Entered: 04/08/2005) |
| 04/08/2005 | <u>48</u> | Judge Mark L. Wolf : ORDER entered. as to Clarence L. Earle re <u>43</u> MOTION to Withdraw as Attorney by Paul F. Markham. filed by Clarence L. Earle,, (O'Leary, Dennis) (Entered: 04/08/2005) |
| 04/20/2005 | <u>49</u> | Ex Parte MOTION #1, as to Clarence L. Earle FILED. (Boyce, Kathy) Additional attachment(s) added on 5/4/2005 (Boyce, Kathy). (Entered: 04/22/2005) |
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| 04/20/2005 | <u>50</u> | Ex Parte Motion #2 as to Clarence L. Earle FILED. (Boyce, Kathy) Additional attachment(s) added on 5/4/2005 (Boyce, Kathy). (Entered: 04/22/2005) |
| 04/20/2005 | <u>51</u> | Ex Parte Motion #3 as to Clarence L. Earle FILED. (Boyce, Kathy) (Entered: 04/22/2005) |
| 04/26/2005 | <u>49</u> | Judge Mark L. Wolf : Electronic ORDER entered sealing <u>49</u> as to Clarence L. Earle (1); <u>50</u> as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 05/04/2005) |
| 05/05/2005 | <u>51</u> | Judge Mark L. Wolf : Electronic ORDER entered Sealing [51] Motion as to Clarence L. Earle (1) (Boyce, Kathy) (Entered: 05/09/2005) |
| 05/16/2005 | <u>52</u> | NOTICE OF HEARING as to Clarence L. Earle Arraignment set for 5/23/2005 10:30 AM in Courtroom 10 before Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 05/16/2005) |
| 05/20/2005 | <u>55</u> | Judge Mark L. Wolf : ORDER entered. CJA 20 as to Clarence L. Earle: Appointment of Attorney Charles W. Rankin for Clarence L. Earle. (Boyce, Kathy) (Entered: 06/01/2005) |
| 05/23/2005 | <u>53</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf : Arraignment as to Clarence L. Earle (1) Count 1s, 2s held on 5/23/2005. Defendant pleads not guilty to both counts. Court establishes filing deadlines. Schedules the case for a conference on August 18, 2005 and excludes all time until said date. (Court Reporter Twomey.) (O'Leary, Dennis) (Entered: 05/23/2005) |
| 05/27/2005 | <u>54</u> | TRANSCRIPT of Arraignment/Detention Hearing as to Clarence L. Earle held on March 17, 2004 before Judge Dein. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 05/27/2005) |
| 08/03/2005 | <u>56</u> | MOTION to Suppress <i>Statements</i> as to Clarence L. Earle. (Rankin, Charles) (Entered: 08/03/2005) |
| 08/03/2005 | <u>57</u> | MEMORANDUM in Support by Clarence L. Earle re <u>56</u> MOTION to Suppress <i>Statements</i> (Rankin, Charles) (Entered: 08/03/2005) |
| 08/03/2005 | <u>58</u> | AFFIDAVIT of Defendant by Clarence L. Earle <u>56</u> MOTION |

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| | | to Suppress <i>Statements</i> filed by Clarence L. Earle,, <u>57</u> Memorandum in Support filed by Clarence L. Earle, (Rankin, Charles) (Entered: 08/03/2005) |
| 08/12/2005 | <u>59</u> | Opposition by USA as to Clarence L. Earle re <u>56</u> MOTION to Suppress <i>Statements</i> (Berman, Seth) (Entered: 08/12/2005) |
| 08/12/2005 | <u>60</u> | MOTION to Dismiss <i>Count Two of Indictment</i> as to Clarence L. Earleby USA. (Berman, Seth) (Entered: 08/12/2005) |
| 08/15/2005 | <u>61</u> | MOTION for Order <i>Directing US Marshal to Bring Defendant to Conference on August 18, 2005</i> as to Clarence L. Earle. (Rankin, Charles) (Entered: 08/15/2005) |
| 08/17/2005 | | Judge Mark L. Wolf : Electronic ORDER entered granting <u>61</u> Motion for Order as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 08/17/2005) |
| 08/18/2005 | <u>62</u> | MOTION for Extension of Time to 9/1/2005 to File Motion to Dismiss as to Clarence L. Earle. (Rankin, Charles) Additional attachment(s) added on 8/26/2005 (Boyce, Kathy). (Entered: 08/18/2005) |
| 08/18/2005 | <u>63</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Pretrial Conference as to Clarence L. Earle held on 8/18/2005 (Court Reporter Twomey.) (O'Leary, Dennis) (Entered: 08/19/2005) |
| 08/18/2005 | <u>64</u> | Judge Mark L. Wolf : Witness Sequestration Order entered. as to Clarence L. Earle. (O'Leary, Dennis) (Entered: 08/25/2005) |
| 08/18/2005 | <u>66</u> | Judge Mark L. Wolf : ORDER entered dismissing count two of the indictments as to Clarence Earle. (O'Leary, Dennis) (Entered: 08/30/2005) |
| 08/25/2005 | <u>65</u> | Judge Mark L. Wolf : ORDER entered. PRETRIAL ORDER as to Clarence L. Earle Time excluded from 10/7/2005 until 10/31/2005. Jury Trial set for 10/31/2005 09:00 AM in Courtroom 10 before Judge Mark L. Wolf. Pretrial Conference set for 10/27/2005 04:00 PM in Courtroom 10 before Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 08/25/2005) |
| 08/26/2005 | | Notice of correction to docket made by Court staff. Correction: Document No. 62 corrected to attach document with the proper electronic signature as to Clarence L. Earle (Boyce, Kathy) (Entered: 08/26/2005) |
| 09/16/2005 | <u>67</u> | Proposed Jury Instructions by USA as to Clarence L. Earle |

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| | | (Berman, Seth) (Entered: 09/16/2005) |
| 09/16/2005 | <u>68</u> | Proposed Voir Dire by USA as to Clarence L. Earle (Berman, Seth) (Entered: 09/16/2005) |
| 09/16/2005 | <u>69</u> | TRIAL BRIEF by USA as to Clarence L. Earle (Berman, Seth) (Entered: 09/16/2005) |
| 09/16/2005 | <u>70</u> | MOTION in Limine as to Clarence L. Earle by USA. (Berman, Seth) (Entered: 09/16/2005) |
| 10/07/2005 | <u>71</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Motion Hearing as to Clarence L. Earle held on 10/7/2005 re <u>56</u> MOTION to Suppress <i>Statements</i> filed by Clarence L. Earle, (Court Reporter Romanow.) (O'Leary, Dennis) (Entered: 10/07/2005) |
| 10/07/2005 | <u>72</u> | Judge Mark L. Wolf : ORDER entered. as to Clarence L. Earle (O'Leary, Dennis) (Entered: 10/07/2005) |
| 10/08/2005 | <u>73</u> | MOTION for Authorization of Services or Funds <i>for Transcript</i> as to Clarence L. Earle. (Rankin, Charles) (Entered: 10/08/2005) |
| 10/11/2005 | <u>74</u> | TRANSCRIPT of Hearing as to Clarence L. Earle held on October 7, 2005 before Judge Wolf. Court Reporter: Richard H. Romanow. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-0370 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/11/2005) |
| 10/12/2005 | <u>73</u> | Judge Mark L. Wolf : ElectronicORDER entered granting <u>73</u> Motion for Authorization of Services or Funds as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 10/12/2005) |
| 10/14/2005 | <u>75</u> | Supplemental MEMORANDUM in Support by Clarence L. Earle re <u>56</u> MOTION to Suppress <i>Statements</i> (Rankin, Charles) (Entered: 10/14/2005) |
| 10/14/2005 | <u>76</u> | MEMORANDUM in Opposition by USA as to Clarence L. Earle re <u>56</u> MOTION to Suppress <i>Statements</i> (Berman, Seth) (Entered: 10/14/2005) |
| 10/19/2005 | <u>77</u> | EX PARTE MOTION as to Clarence L. Earle, filed. (Boyce, Kathy) (Entered: 10/19/2005) |
| 10/20/2005 | <u>78</u> | REPLY TO RESPONSE to Motion by Clarence L. Earle re <u>56</u> MOTION to Suppress <i>Statements</i> (Rankin, Charles) (Entered: 10/20/2005) |

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| 10/20/2005 | <u>79</u> | Proposed Voir Dire by Clarence L. Earle (Rankin, Charles) (Entered: 10/20/2005) |
| 10/21/2005 | <u>80</u> | NOTICE OF RESCHEDULING as to Clarence L. Earle Pretrial Conference set for 10/27/2005 01:00 PM in Courtroom 10 before Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 10/21/2005) |
| 10/21/2005 | <u>81</u> | EXHIBIT/WITNESS LIST by USA as to Clarence L. Earle (Berman, Seth) (Entered: 10/21/2005) |
| 10/21/2005 | <u>82</u> | EXHIBIT/WITNESS LIST by USA as to Clarence L. Earle (Berman, Seth) (Entered: 10/21/2005) |
| 10/25/2005 | <u>83</u> | NOTICE of Change of Address of Counsel by Clarence L. Earle (Rankin, Charles) (Entered: 10/25/2005) |
| 10/27/2005 | <u>84</u> | MOTION for transcripts at government expense as to Clarence L. Earle. (Rankin, Charles) (Entered: 10/27/2005) |
| 10/27/2005 | <u>85</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Pretrial Conference as to Clarence L. Earle held on 10/27/2005 (Court Reporter Romanow.) (O'Leary, Dennis) (Entered: 10/28/2005) |
| 11/01/2005 | <u>86</u> | EXHIBIT/WITNESS LIST by USA as to Clarence L. Earle (Berman, Seth) (Entered: 11/01/2005) |
| 11/01/2005 | <u>87</u> | EXHIBIT/WITNESS LIST by USA as to Clarence L. Earle (Berman, Seth) (Entered: 11/01/2005) |
| 11/01/2005 | <u>88</u> | TRANSCRIPT of Hearing as to Clarence L. Earle held on October 27, 2005 before Judge Wolf. Court Reporter: Richard H. Romanow. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-0370 or the Clerk's Office. (Scalfani, Deborah) (Entered: 11/01/2005) |
| 11/02/2005 | <u>89</u> | Judge Mark L. Wolf : ORDER entered granting <u>56</u> Motion to Suppress as to Clarence L. Earle (1). For the foregoing reasons, it is hereby ORDERED that: 1. Defendant's Motion to Suppress is ALLOWED. 2. Defendant's statements to the ICE agents on November 6,2003, and any information derived from them, shall not be admittedat defendant's trial. (O'Leary, Dennis) (Entered: 11/02/2005) |

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| 11/02/2005 | <u>90</u> | Objection as to Clarence L. Earle: <u>87</u> Exhibit/Witness List filed by USA,. (Rankin, Charles) (Entered: 11/02/2005) |
| 11/02/2005 | <u>8</u> | Judge Mark L. Wolf : ElectronicORDER entered granting <u>84</u> Motion for Transcript at Government Expense as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 11/02/2005) |
| 11/02/2005 | <u>91</u> | Letter dated 11/2/05 to Courtroom Clerk Dennis O'Leary from AUSA Seth P. Berman enclosing the proposed exhibits that Judge Wolf requested Mr. Berman provide the Court as to Clarence L. Earle, FILED. (Boyce, Kathy) (Entered: 11/03/2005) |
| 11/03/2005 | <u>92</u> | PRETRIAL MEMORANDUM <i>Regarding the Government's Proposed Evidence Regarding the Defendant's Prior Statements</i> by Clarence L. Earle (Berman, Seth) (Entered: 11/03/2005) |
| 11/07/2005 | <u>93</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Voir Dire begun on 11/7/2005. Jury trial day one on 11/7/2005. Clarence L. Earle (1) on Count 1s (Court Reporter Romanow.) (O'Leary, Dennis) (Entered: 11/07/2005) |
| 11/07/2005 | <u>98</u> | Judge Mark L. Wolf : ORDER entered. AMENDED MEMORANDUM AND ORDER as to Clarence L. Earle (O'Leary, Dennis) (Entered: 11/10/2005) |
| 11/08/2005 | <u>94</u> | Letter (non-motion) regarding Schedule as to Clarence L. Earle (Rankin, Charles) (Entered: 11/08/2005) |
| 11/08/2005 | <u>95</u> | MOTION to Dismiss <i>and Suppress and for Leave to File</i> as to Clarence L. Earle. (Rankin, Charles) (Entered: 11/08/2005) |
| 11/08/2005 | <u>102</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Jury Trial as to Clarence L. Earle held on 11/8/2005 (Court Reporter Romanow.) (O'Leary, Dennis) (Entered: 11/22/2005) |
| 11/09/2005 | <u>96</u> | Memorandum regarding the Admissibility of Exhibits D and E as to Clarence L. Earle (Berman, Seth) (Entered: 11/09/2005) |
| 11/09/2005 | <u>97</u> | Memorandum regarding Proposed Exhibits as to Clarence L. Earle (Rankin, Charles) (Entered: 11/09/2005) |
| 11/10/2005 | <u>103</u> | Clerk's Notes for proceedings held before Judge Mark L. Wolf :Jury Trial as to Clarence L. Earle held on 11/10/2005 (Court Reporter Romanow.) (O'Leary, Dennis) (Entered: 11/22/2005) |

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| 11/14/2005 | ● | ElectronicClerk's Notes for proceedings held before Judge Mark L. Wolf:Jury Trial - Day Five as to Clarence L. Earle held on 11/14/2005. Counsel make closing arguments. Jury begins deliberations. Jury returnms a verdict. Verdict: Guilty on Count 1. Sentencing set for 2/21/2006 at 3:00 PM in Courtroom 10 before Judge Mark L. Wolf. Motions and Memos by 2/7/06, Responses by 2/14/06.(Court Reporter Richard Romanow.) (Alba, Robert) (Entered: 11/14/2005) |
| 11/14/2005 | ●99 | MOTION for Entry of Judgment of Acquittal as to Clarence L. Earle, FILED IN OPEN COURT. (Boyce, Kathy) (Entered: 11/14/2005) |
| 11/14/2005 | ●100 | MOTION to Strike Conditionally Admitted Evidence, as to Clarence L. Earle,FILED IN OPEN COURT, (Boyce, Kathy) (Entered: 11/14/2005) |
| 11/14/2005 | ● | Judge Mark L. Wolf: ElectronicORDER entered denying 99 Motion for Acquittal as to Clarence L. Earle (1) (Boyce, Kathy) (Entered: 11/14/2005) |
| 11/14/2005 | ● | Judge Mark L. Wolf : ElectronicORDER entered denying 100 Motion to Strike as to Clarence L. Earle (1)... "For the reasons described in court, this motion is DENIED." (Boyce, Kathy) (Entered: 11/14/2005) |
| 11/14/2005 | ●101 | JURY VERDICT as to Clarence L. Earle (1) Guilty on Count 1s Clarence L. Earle (1) (Boyce, Kathy) Modified on 11/22/2005 to correct text of entry (Boyce, Kathy). (Entered: 11/22/2005) |
| 11/22/2005 | ●104 | TRIAL EXHIBIT/WITNESS LIST by Clarence L. Earle (O'Leary, Dennis) (Entered: 11/22/2005) |
| 11/30/2005 | ●105 | Judge Mark L. Wolf : Electronic ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Clarence L. Earle Sentencing set for 2/21/2006 03:00 PM in Courtroom 10 before Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 11/30/2005) |
| 12/21/2005 | ●106 | MOTION for transcripts at government expense as to Clarence L. Earle. (Rankin, Charles) (Entered: 12/21/2005) |
| 01/02/2006 | ● | Judge Mark L. Wolf : Electronic ORDER entered granting 106 Motion for Transcript at Government Expense as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 01/03/2006) |
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| 01/05/2006 | 107 | EX PARTE Motion as to Clarence L. Earle, FILED. (Boyce, Kathy) (Entered: 01/05/2006) |
| 01/08/2006 | | Judge Mark L. Wolf : Electronic ORDER entered granting and sealing 107 Ex Parte Motion as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 01/09/2006) |
| 02/07/2006 | 108 | SENTENCING MEMORANDUM by USA as to Clarence L. Earle (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Berman, Seth) (Entered: 02/07/2006) |
| 02/07/2006 | 109 | Assented to MOTION To Allow the Government to Substitute Copies for the Original Exhibits in the Court File as to Clarence L. Earleby USA. (Berman, Seth) (Entered: 02/07/2006) |
| 02/15/2006 | 110 | SENTENCING MEMORANDUM by Clarence L. Earle (Rankin, Charles) (Entered: 02/15/2006) |
| 02/15/2006 | 111 | MOTION for Leave to File <i>Sentencing Memorandum</i> as to Clarence L. Earle. (Rankin, Charles) (Entered: 02/15/2006) |
| 02/16/2006 | 112 | MOTION for Leave to File <i>Amended Sentencing Memorandum</i> as to Clarence L. Earle. (Attachments: # 1) (Rankin, Charles) (Entered: 02/16/2006) |
| 02/16/2006 | 113 | MOTION for Hearing <i>Regarding Question of Counsel</i> as to Clarence L. Earle. (Rankin, Charles) (Entered: 02/16/2006) |
| 02/17/2006 | | Judge Mark L. Wolf : Electronic ORDER entered reserving ruling on 113 Motion for Hearing as to Clarence L. Earle (1). This issue will be addressed at the outset of the February 21, 2006 hearing. As in the past, the AUSA will be excused. (O'Leary, Dennis) (Entered: 02/17/2006) |
| 02/17/2006 | | Judge Mark L. Wolf : Electronic ORDER entered granting 112 Motion for Leave to File as to Clarence L. Earle (1). Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. (O'Leary, Dennis) (Entered: 02/17/2006) |
| 02/17/2006 | 114 | SENTENCING MEMORANDUM by Clarence L. Earle (Rankin, Charles) (Entered: 02/17/2006) |
| 02/21/2006 | 115 | MOTION for Leave to File <i>Supplemental Sentencing Memorandum</i> as to Clarence L. Earle. (Attachments: # 1) (Rankin, Charles) (Entered: 02/21/2006) |

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| 02/21/2006 | <u>119</u> | Electronic Clerk's Notes for proceedings held before Judge Mark L. Wolf :Sentencing held on 2/21/2006 for Clarence L. Earle (1), Count(s) 1s, 78 months custody followed by 36 months supervised release and \$100.00 special assessment fee.. (Court Reporter Romanow.) (O'Leary, Dennis) (Entered: 02/24/2006) |
| 02/22/2006 | <u>116</u> | MOTION for transcripts at government expense as to Clarence L. Earle. (Attachments: # <u>1</u> Form CJA 24)(Rankin, Charles) (Entered: 02/22/2006) |
| 02/22/2006 | <u>117</u> | MOTION for Leave to Appeal In Forma Pauperis as to Clarence L. Earle. (Rankin, Charles) (Entered: 02/22/2006) |
| 02/22/2006 | <u>118</u> | NOTICE OF APPEAL by Clarence L. Earle NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/14/2006. (Rankin, Charles) (Entered: 02/22/2006) |
| 02/27/2006 | | Judge Mark L. Wolf : ORDER entered granting <u>117</u> Motion for Leave to Appeal In Forma Pauperis as to Clarence L. Earle (1) (O'Leary, Dennis) (Entered: 02/27/2006) |
| 02/27/2006 | <u>120</u> | Judge Mark L. Wolf : ORDER entered. JUDGMENT as to Clarence L. Earle (1), Count(s) 1s, 78 months custody followed by 36 months supervised release and \$100.00 special assessment fee. (O'Leary, Dennis) (Entered: 02/28/2006) |
| 03/03/2006 | <u>121</u> | MOTION Correct Technical Errors in the Judgment Pursuant to Rule 35(a) as to Clarence L. Earleby USA. (Berman, Seth) (Entered: 03/03/2006) |